

101522479
DT01 Rec'd PCT/PTC 26 JAN 2005

Secrecy order under § 5.2:

This application does not disclose subject matter of an application which is under a secrecy order pursuant to § 5.2.

4. Representative information

The following have a power of attorney or authorization of agent in this application:

Customer No.: 00909

5. Domestic Priority information

Domestic priority for this application is claimed as follows:

35 U.S.C. § 119(e):

Application No.: 60/399,151
Filed: July 30, 2002
Relationship: Provisional Priority

35 U.S.C. § 365(c):

Application No.: PCT/GB2003/003183
Filed: July 25, 2003
Status: Published as WO 2004/012399 A1

6. Assignee information

The assignee(s) of this application is/are:

XYRATEX TECHNOLOGY LIMITED
Langstone Road, Havant
Hampshire, PO9 1SA
United Kingdom

Extent of interest of assignee in application: Entire right, title and interest

Date: January 26, 2005

Christine H. McCarthy
Registration No. 41844

PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102
(703) 905.2143
Customer No. 00909



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,479	01/26/2005	Howard W. Winter	011765-0314597	3824
7590	01/03/2008		EXAMINER	
Pillsbury Winthrop Intellectual Property Group 1600 Tysons Boulevard McLean, VA 22102			HSU, ALPUS	
			ART UNIT	PAPER NUMBER
			2619	
			MAIL DATE	DELIVERY MODE
			01/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FORM PTO-1390 (REV. 12-2004)

Approved for use through 3/31/2007. OMB 0651-0021
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U.S. APPLICATION NO. (if known) 103922479	INTERNATIONAL APPLICATION NO. PCT/GB03/003183	ATTORNEY'S DOCKET NUMBER 011765-0314597
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21. The following fees are submitted:

	Applicant use	Office use only
<input checked="" type="checkbox"/> a) Basic national fee	\$ 300.00	
<input checked="" type="checkbox"/> b) Examination fee	\$ 200.00	
<input checked="" type="checkbox"/> c) Search fee	\$ 500.00	
TOTAL OF ABOVE CALCULATIONS =	\$1,000.00	

Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
42 -100 =	-58 /50 =		x \$250.00	\$ 0.00
SurchARGE of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	30 - 20 =	10	x \$50.00	\$ 500.00
Independent claims	2 - 3 =	0	x \$200.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 0.00
TOTAL OF ABOVE CALCULATIONS =				\$ 1,500.00

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

SUBTOTAL =		\$ 1,500.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	+ \$ 0.00	
TOTAL NATIONAL FEE =		\$ 1,500.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	+ \$ 40.00	
TOTAL FEES ENCLOSED =		\$ 1,540.00
Amount to be refunded:		\$
Amount to be charged:		\$ 1,540.00

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 033975 in the amount of \$ 1,540.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 033975. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Christine H. McCarthy
PILLSBURY WINTHROP LLP
P.O. Box 10500
McLean, VA 22102

SIGNATURE_____
Christine H. McCarthy
NAME_____
41844
REGISTRATION NUMBER

SIGNATURE DATE: January 26, 2005

Correspondence Address for 10/522479

Customer Number	Contact Information	Address
No Customer # 00909 Delivery Mode: <u>PAPER</u>	Telephone: (703)905-2000 Fax: No Fax # E-Mail: No E-Mail Address	Pillsbury Winthrop LLP Intellectual Property Group 1600 Tysons Boulevard P.O. Box 10500 McLean VA 22102

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,479	01/26/2005	Howard W. Winter	011765-0314597	3824
7590	01/03/2008			EXAMINER
Pillsbury Winthrop LLP Intellectual Property Group 1600 Tysons Boulevard P.O. Box 10500 McLean, VA 22102				HSU, ALPUS
			ART UNIT	PAPER NUMBER
			2619	
				MAIL DATE
				01/03/2008
				DELIVERY MODE
				PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,479	WINTER ET AL.	
	Examiner Alpus H. Hsu	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/26/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least a first Fibre Channel device and at least a second Fibre Channel device as in claims 1 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are further objected to because all blocks in Figures 1-3, 4A, 4B, 5, 7-9 should be labeled with descriptive legends known in the art.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is confusing for reciting "a first buffer", "a second buffer", "a first bypass buffer", and "a second bypass buffer" since each buffer is operated to store data received at either first port or second port. Do the first buffer and first bypass buffer and the second buffer and second bypass buffer receive same data respectively?

Lines 5 and 7, it is confusing for reciting "at least a first Fibre Channel device" and "at least a second Fibre Channel device". Are they referring to the same first Fibre Channel device and same second Fibre Channel device as in lines 1 and 2?

Lines 25-26, it is confusing for reciting "whereby a said second Fibre Channel device can operate at said second physical link rate which is higher than said first physical link rate of a said first Fibre Channel device" since the second Fibre Channel device always operates at second physical link rate which is higher than the first physical link rate of a said first Fibre Channel device as indicated in the preamble. Can the second Fibre Channel device operates at rate other than the second physical link rate?

Line 27, it is also confusing for reciting "data words" since it is the "data" to be received and stored as in lines 9, 13, 17 and 21.

In claim 3, line 2, the term of "LISM", "LIFA", "LIPA", "LIHA" and "LISA" should be defined as to what it stands for at its first occurrence.

In claim 6, line 2, claim 7, line 3, the term of "ARB" should be defined as to what it stands for at its first occurrence.

In claim 13, line 2, "R_RDY" should be defined as to what it stands for at its first occurrence.

Claims 16, 18, 21 and 28 are rejected for the same reasoning as in claims 1, 3, 6 and 13.

4. In view of the 112 2nd paragraph problems indicated above, no prior art rejection or allowable subject matter can be applied at this time.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Book '481, Banks '813 & '646, Berman '203, '007, '053 & '914, Hagglund et al., Polan et al., and Martin et al. are all cited to show the common feature of Fibre Channel switching system utilizing switch fabric, ports, buffers, and controller for routing data frames from source to destination similar to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AHH

Alpus H. Hsu
Primary Examiner
Art Unit 2619

DT01 R PCT/PTC 26 JAN 2005

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	107522479
(Use as many sheets as necessary)		Filing Date	01/26/2005
		First Named Inventor	HOWARD WILLIAM WINTER
		Art Unit	TBA- 2619
		Examiner Name	Unknown A/pus Hsu
Sheet	1	of	1
		Attorney Docket Number	011765-0314597

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ /Number ⁴ /Kind Code ⁵ (if known)				
AHM		EP 0 709 986	A2	05/1996	Bennett	
AHM		WO 99/15973		04/1999	HENSON et al.	
AHM		EP 0 856 969	A1	08/1998	Yamazaki	
AHM		GB 2 363 040		12/2001	Wakeley et al.	

Examiner Signature	Alpus H. Hsu	Date Considered	12/26/07
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***EXAMINER:** initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See *Kinds of USPTO Patent Documents* at www.uspto.gov or MPEP 801.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO				Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	107522479
(Use as many sheets as necessary)				Filing Date	01/26/2005
				First Named Inventor	HOWARD WILLIAM WINTER
				Art Unit	TBA 2619
				Examiner Name	Unknown Aibus Hsu
Sheet	1	of	1	Attorney Docket Number	011765-0314597

Examiner Signature	Alpus H. Hsu	Date Considered	12/26/07
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). **2** Applicant is to place a check mark here if English language Translation is attached.

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Notice of References Cited		Application/Control No.	Applicant(s)/Patent Under Reexamination WINTER ET AL.	
		Examiner Alpus H. Hsu	Art Unit 2619	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,894,481 A	04-1999	Book, David	370/412
*	B	US-6,160,813 A	12-2000	Banks et al.	370/422
*	C	US-6,185,203 B1	02-2001	Berman, Stuart B.	370/351
*	D	US-6,470,007 B1	10-2002	Berman, Stuart B.	370/351
*	E	US-6,584,101 B2	06-2003	Hagglund et al.	370/389
*	F	US-6,731,646 B1	05-2004	Banks et al.	370/422
*	G	US-6,892,167 B2	05-2005	Polan et al.	702/187
*	H	US-6,904,053 B1	06-2005	Berman, Stuart B.	370/466
*	I	US-7,012,914 B2	03-2006	Berman, Stuart B.	370/351
*	J	US-7,301,956 B2	11-2007	Martin et al.	370/413
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